IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

Crl.MC.No. 605 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.50/2007
CRIME NO.97/06 OF S. BATHERY EXCISE RANGE, WYNAD DISTRICT

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PETITIONERS/ACCUSED NOS.1 & 2

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1. RIJU THOMAS, S/O. THOMAS,
PALAMATTOM HOUSE, ERUMATHALA, ALUVA,
ALUVA TALUK, ERNAKULAM DISTRICT.

2. BENNY, S/O. VARGHESE,
KACHAPILLY HOUSE, INJIKAVALA,
MANIKKAMANGALAM, KALADY, ALUVA TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, SULTHAN BATHERY EXCISE RANGE,
WAYANAD DISTRICT, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSCUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 605 OF 2007

Dated this the 13th day of March, 2007

ORDER

The petitioners have been enlarged on on bail subject to conditions. They face allegations of having allegedly committed a fairly serious offence of transporting 5600 litres of spirit. The condition obliges them to report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays. The learned counsel for the petitioners submits that the petitioners were arrested as early as on 9/11/06. They have been released on bail on 9/1/07 under the proviso to Sec.167(2) of the Cr.P.C. They have been complying with the conditions from 9/1/07. They are the residents of Aluva. They have to unnecessarily undertake an expensive journey every week to Sulthan Bathery. They are prepared to report before the Excise Officials at Aluva. If necessary and if directed, they shall appear before the Investigating Officer at Sulthan Bathery also. In these circumstances, they may be saved of the unnecessary trauma

of undertaking the journey every week to Sulthan Bathery. This, in short, is the prayer.

2. I have heard the learned Public Prosecutor. The learned Public Prosecutor only submits that they may be made available before the Investigating Officer as and when directed and there may be a tab on their movement.

3. This Crl.M.C. is, in these circumstances, allowed in part. The petitioners shall report before the Excise Inspector, Aluva, between 10 a.m. and 10.30 a.m. on all Wednesdays. If the Investigating Officer feels that the appearance of the petitioners before the Investigating Officer is necessary, he can convey that direction to the officer at Aluva who shall inform the petitioners in writing of such requirement. Thereupon, they shall make themselves available before the Investigating Officer on the date and time as directed by him.

Sd/-

(R. BASANT, JUDGE)

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Nan/ //true copy// P.S. To Judge